EMPLOYEE/MANAGEMENT RELATIONS

- **1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) policy regarding matters excluded from coverage under the title 5 or hybrid agency grievance procedures.
- **2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains VA policy on employee/management relations. The page in this issuance replaces the corresponding page in VA Handbook 5021. Revised text is contained in [brackets]. This change will be incorporated into the electronic version of VA Handbook 5021 that is maintained on the Office of Human Resources Management Web site. This revision modifies matters excluded from coverage under the title 5 or hybrid agency grievance procedures to allow an employee to file a grievance due to a failure to receive a noncompetitive promotion.
- **3. RESPONSIBLE OFFICE:** The Employee Relations and Performance Management Service (051), Office of the Deputy Assistant Secretary for Human Resources Management.
- **4. RELATED DIRECTIVE:** VA Directive 5021, Employee/Management Relations.

5. RESCISSIONS: None.

CERTIFIED BY:

BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS:

/s/Roger W. Baker Assistant Secretary for Information and Technology /s/John U. Sepúlveda Assistant Secretary for Human Resources and Administration

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- b. A decision which is appealable to the MSPB (Merit Systems Protection Board) or subject to final administrative review by the OPM (Office of Personnel Management), the FLRA (Federal Labor Relations Authority), or the OWCP (Office of Workers' Compensation Programs) under law or regulations of the OPM, FLRA, or the OWCP; or any other matter for which final administrative authority lies outside VA;
- c. Allegations of discrimination on the basis of race, color, religion, sex, national origin, age over 40 and/or disabling condition, in connection with any decision or action. Such allegations may only be pursued as complaints of discrimination, pursuant to regulations of the Equal Employment Opportunity Commission.
 - d. Nonselection for promotion from a group of properly ranked and certified candidates [];
- e. A preliminary warning notice of an action which, if effected, would be covered under a grievance or appeal system or excluded from coverage by paragraph b above;
- f. A return of a SES (Senior Executive Service) career appointee to the General Schedule or another pay system during the 1-year period of probation for less than fully successful executive performance;
 - g. Reassignment of an SES appointee;
- h. An action which terminates a temporary promotion within a maximum period of 2 years and returns the employee to the position from which the employee was temporarily promoted, or reassigns or demotes the employee to a different position that is not at a lower grade and pay than the position from which the employee was temporarily promoted;
- i. An action which terminates a term promotion at the completion of the project or specified period, or at the end of a rotational assignment, and returns the employee to the position from which promoted or to a different position of equivalent grade and pay in accordance with 5 CFR 335.102 (f);
 - j. The content of the critical elements and performance standards of an employee's position;
- k. Nonadoption of a suggestion or disapproval of a quality step increase, performance award, or other kind of discretionary award, including SES performance awards and Presidential Rank awards for members of the SES;
- 1. Termination of an employee serving a probationary or trial period after initial appointment for unsatisfactory performance or conduct;
 - m. Termination of an SES career appointee during probation for unsatisfactory performance;
 - n. Evaluation of performance for a member of the Senior Executive Service;
- o. Return of any employee from an initial appointment as a supervisor or manager to a nonsupervisory or nonmanagerial position for failure to satisfactorily complete the probationary period;